

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**MARIE WESTROPE and REGGIE  
KELLY, individually and on behalf  
of all others similarly situated,**

No. 3:14-cv-00604-YY

Plaintiffs,

OPINION AND ORDER

v.

**RINGLER ASSOCIATES, INC., et  
al.,**

Defendants.

**MOSMAN, J.,**

On February 21, 2017, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [168], recommending that (1) Defendants Ringler and Hoffman’s Motion to Dismiss for failure to state a claim [131] should be DENIED as MOOT as to former Plaintiff Culhane, and otherwise should be DENIED, and (2) Defendants Casey, Bell, Mathews, Farber, Weber, Kelly, and Blattenberg’s Motion to Dismiss [138] should be DENIED in part and GRANTED in part. Neither party filed objections.

### **DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to

make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge You's recommendations and ADOPT the F&R [168] as my own opinion. Defendants Ringler and Hoffman's Motion to Dismiss [131] is DENIED as MOOT as to former Plaintiff Culhane, and otherwise DENIED. Defendants Casey, Bell, Mathews, Farber, Weber, Kelly, and Blattenberg's Motion to Dismiss [138] is DENIED in part to the extent they join Ringler and Hoffman's Motion to Dismiss [138] for failure to state a claim, and otherwise GRANTED in part for lack of personal jurisdiction. The claims against Defendants Casey, Bell, Mathews, Farber, Weber, Kelly, and Blattenberg are DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 11th day of April, 2017.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
Chief United States District Judge